PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number: 14012-053001/50-03-034	
I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic Filing System (EFS) on the date shown below. . February 28, 2008 Date of Deposit /Peggy C. Gray/ Signature Peggy C. Gray Typed or Printed Name of Person Signing Certificate	Application Number 10/736,001	Filed December 15, 2003
	First Named Inventor John D. Richter	
	Art Unit 2162	Examiner Giovanna B. Colan

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
    Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
    See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
    is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record 44,549
                    (Reg. No.)

☐ attorney or agent acting under 37 CFR 1.34.
    Registration number if acting under 37 CFR 1.34

_____   _____

/William R. Borchers/
Signature

William R. Borchers
Typed or printed name
(214) 292-4075
Telephone number

February 28, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below'.

☒ Total of 3 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John D. Richter   Art Unit   : 2162
Serial No. : 10/736,001   Examiner : Giovanna B. Colan
Filed   : December 15, 2003   Conf. No. : 2963
Title   : MANAGING ELECTRONIC INFORMATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS SUBMITTED WITH PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 1-23 are pending and stand rejected. Applicant requests reconsideration in light of the following remarks.

Section 112 Rejections

Claims 1-23 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. (November 28, 2007 Office Action, pg. 2). The Office Action states "previous accessed items" is not clearly described in the specification as the Examiner has only found support for the limitation "accessed items". This is clearly erroneous.

Applicant submits that support for an "accessed item" is support for a "previous accessed item". That is, an "accessed" item is an item that WAS accessed (i.e., accessed previously). Moreover, the specification specifically teaches that a database security analyzer 102 captures database access statements issued as a result of interactions between user interface devices 104a-104z, applications 106a-106z, and a database and uses the captured statements to determine the accessed items and types of access required for each application. (page 4, lines 4-12). The simple fact that the analyzer 102 captures issued statements and then uses the captured statements to determine accessed items clearly illustrates that the items were previously accessed. Thus, the application clearly describes analyzing database access statements that were issued for an application during use to determine previous accessed items (see also, Reply to Office Action submitted September 7, 2007, page 8, ¶2; page 6, lines 4-20).

Section 103 Rejections

Claims 1, 3-10, 12-20, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,142 B1 to Win et al. ("Win") in view of U.S. Patent Application Publication No. 2002/0091798 A1 to Joshi et al. ("Joshi"). Applicant respectfully disagrees that the claims are unpatentable over the cited references.

Claim 1 recites "developing a role for the application based on the previous accessed items and types of access for the application, wherein when the application is in use by a user, the developed role for the application allows the user database access." Neither Win nor Joshi, however, teaches at least this feature of the claim. Thus, their combination is also clearly insufficient.

Win teaches controlling access to one or more information resources by identifying a subset of resources that the user is authorized to access based on one or more roles that are stored in association with user identifying information (Win, column 2, lines 28-33). The roles in Win are developed by listing functions or capacities in which a person might act when they access resources and their functional group, department, or organizational unit (Win, column 14, lines 11-15). Thus, Win fails to teach developing a role for an application, much less developing a role based on previously accessed items and types of access.

The Office Action does state that the Examiner interprets the step of defining a role in Win as the claimed operation of developing a role, where the information that is accepted in the data entry form corresponds to the accessed items and types of access for the application as claimed (Office Action mailed November 28, 2007, page 15). However, this interpretation is not supported by the disclosure of Win. Instead, Win teaches that an administrator may complete and submit a data entry form for each role to be defined, where roles are developed by listing functions or capacities in which a person might act (Win, column 14, lines 8-11, 41-42). Thus, Win utterly fails to suggest that a role may be developed based on previously accessed items and types of access that were determined from database access statements that were issued for an application during the application's use.

Joshi fails to rectify these deficiencies of Win. The Office Action states that Joshi teaches defining a role by defining a role and identifying persons by name (Office Action mailed November 28, 2007, page 15); however, Joshi does not teach or suggest that a role may be

developed <u>based on previous accessed items and types of access for an application</u>. Instead, Joshi teaches that upon authentication or authorization, login information for a particular user and a particular application can be added to the HTTP request as header variables (Joshi, ¶0016). A downstream application can then search the described header variable and automatically attempt to authorize the user (Joshi, paragraph 0016). Thus, Joshi teaches adding login information for a user <u>to HTTP requests</u> to allow automatic authorization of the user, <u>as opposed to teaching how to develop a role</u>, much less developing a role for an application based on <u>previous accessed items and types of access</u> <u>for an application</u>.

The Examiner does state it would have been obvious to one of ordinary skill in the art to incorporate Joshi's teachings into the system of Win and that the combination teaches developing a role for an application based on previous accessed items and types of access for an application. But as discussed, neither Win nor Joshi teaches the recited limitations. Thus, their combination fails to teach the limitations (see Reply to Office Action submitted September 7, 2007, page 8, ¶5-page9, ¶4).

For instance, Win teaches defining roles based on <u>functions users have in an organization</u> and identifying a subset of resources that the user is authorized to access based on these roles (Win, column 2, lines 31-34, column 14, lines 6-11). Similarly, Joshi teaches adding login information to an HTTP request (Joshi, paragraph 0016). Combining the teachings of Win and Joshi therefore results in developing a role based on functions users have in an organization and adding the role to an HTTP request to allow automatic authorization of the user. Thus, the combination of Win and Joshi fails to teach or even suggest developing a role <u>for an application</u> <u>based on previous accessed items and types of access</u> for an application. Accordingly, claim 1, along with its dependent claims, are allowable over the cited art.

Applicant notes the Examiner's assertion regarding it being improper to attack each reference independently. (November 28, 2007 Office Action, pg. 14). But when an applicant shows that none of the references teaches a limitation, that is not an improper attack.

Independent claims 10, 18, and 23 recite limitations analogous to those of claim 1. In particular, claim 10 recites developing a role for the application based on the previous accessed items and types of access for the application. Similarly, claim 18 recites developing a role for the application based on the previously issued database access statements for the application,

wherein when the application is in use by a user, the developed role for the application allows a user database access. Also similarly, claim 23 recites determining permissions for the application based on the previous accessed items and types of access for the application and developing a role for the application based on the determined permissions. Accordingly, for at least the reasons stated above in connection with claim 1, claims 10, 18, and 23, and their corresponding dependent claims, are also allowable over Win and Joshi.

Claims 3-9 depend from independent claim 1, claims 12-17 depend from independent claim 10, and claims 19-20 and 22 depend from independent claim 18 and, hence, contain all of the limitations of the corresponding independent claims, which have already been shown to be allowable over Win and Joshi. Claims 3-9, 12-17, 19-20, and 22 also contain additional limitations not taught by Win or Joshi (*see* Reply to Office Action submitted September 7, 2007, page 10, ¶2-¶4; Reply to Final Office Action submitted February 1, 2007, page 9, ¶3-¶5). For example, claim 5 recites, in part, wherein developing a role comprises determining permissions for the application based on the previous accessed items and types of access." As another example, claim 9 recites, in part, detecting an end of the application session and, if an end of the application session is detected, disabling the assigned role for the user." Win and Joshi therefore fail to teach at least these features of the claims. Accordingly, the claims are further allowable over Win and Joshi.

Claims 2, 11, 21, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Win in view of Joshi, and further in view of U.S. Patent No. 6,665,664 B2 to Paulley et al. ("Paulley"). (November 28, 2007 Office Action, pg. 10). As already discussed, Win and Joshi fail to teach or suggest the limitations of the independent claims. Additionally, as the Examiner admits, neither Win or Joshi teaches the limitations of these dependent claims. (Id.) Paulley, however, also fails to teach the limitations. Thus, the rejection is insufficient.

Claim 2 recites "capturing the database access statements; normalizing the database access statements; and eliminating redundancies in the database access statements." Paulley, however, teaches checking each segment to ensure that each segment contains at least a minimum number of repeated references to the same columns or tables before attempting to normalize a segment (column 14, lines 46-51). This is not the same as normalizing and

eliminating redundancies in database access statements. Thus, the cited references fail to teach at least this feature of claim 2, and claim 2 is further allowable over the cited references.

The Office Action does state that Applicant's arguments amount to a general allegation without specifically pointing out how the language of the claims is distinguished from the references. Applicant, however, has specifically pointed out how the language of claim 2 is distinguished from the references above and in previous replies (*see e.g.*, Reply to Office Action submitted September 7, 2007, page 11, ¶3-page 12, ¶4). In addition, the Examiner has stated that the Win and Joshi do not teach this feature of claim 2 (*see e.g.*, Final Office Action mailed November 28, 2007, page 10; Office Action mailed June 7, 2007, page 10).

CONCLUSION

Applicant respectfully requests the withdrawal of the rejections and allowance of claims 1-23.

The Appeal fee in the amount of $510 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization to Deposit Account No. 05-0765. Please apply any other charges or credits to Deposit Account No. 05-0765.

Respectfully submitted,

Date: February 28, 2008

/William R. Borchers/
William R. Borchers
Reg. No. 44,549

Fish & Richardson P.C.
1717 Main Street
Suite 5000
Dallas, Texas 75201
Telephone: (214) 292-4075
Facsimile: (214) 747-2091

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